

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4528 OF 2005

Prakash Annaso Katkar.

... Applicant.

Versus.

The State of Maharashtra.

... Respondent.

Shri C.K.Pendse i/by Shri A.R.Rasal for the Applicant.

Shri U.V.Nikam, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 26th July, 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P. for the State,.

2, The offence alleged against the Applicant and co-accused is under sections 307, 452, 323 read with section 34 of the Indian Penal Code.

3. The first informant has not made any allegation of assault against the Applicant. The case of the first informant is that his brother Nitin and cousin Pravin were assaulted by iron rod and stick. No allegation has been made against the Applicant as regards assault on Pravin. Pravin has suffered four injuries which are described as simple injuries. The allegation which is made against the Applicant is by one Nitin Gaikwad as regards assault by the Applicant on his head by using an iron rod. The injury certificate of Nitin shows that

there is only a CLW over the frontal bone which is described as a simple injury. A perusal of the case papers shows that section 326 of the IPC was subsequently applied and earlier only section 323 was applied. The only allegation made against the Applicant is regarding causing simple injury to one Nitin. All the co-accused have been enlarged on bail. Hence case is made for grant of anticipatory bail in favour of the Applicant. No criminal antecedents of the Applicant are brought on record.

4. Hence the following order is passed;

(i) In the event of the arrest of the Applicant in connection with C.R.No.27 of 2005 registered with Hupari Police Station, the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- with one or two sureties in the like amount.

(ii) The Bail is granted subject to condition that the Applicant will attend the concerned Police Station as and when called upon to do so for the purpose of investigation and will cooperate with the investigation.

- (iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/ Investigating Agency. The Applicant shall not tamper with the prosecution evidence.
- (iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.
- (v) This order will enure to the benefit of the Applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate Court for appropriate relief.
- (vi) Application is disposed of in above terms.
- (vii) The parties to act upon an authenticated copy of this order.

Judge.